

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

LPA No. 1553 of 2018 (O&M)

Date of Decision: 03.12.2018

Bhogi Ram

.....Appellant

versus

Punjab and Haryana High Court through its Registrar General

.....Respondent

**CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present : Mr. Sanjeev Sharma, Advocate, for the appellant.

KRISHNA MURARI, CHIEF JUSTICE (oral)

CM No. 4772 of 2018

Heard. For the reasons mentioned in the application, which is duly accompanied by an affidavit, the same is allowed. Order dated 10.10.2018 is recalled and the appeal is ordered to be restored at its original number.

CM Nos. 4178-4179 of 2018

Heard. For the reasons mentioned in the applications, delay of 9 days in filing and 195 days in re-filing the appeal is condoned.

LPA No. 1553 of 2018 (O&M)

Aggrieved by the order dated 16.01.2018 passed by the learned Single Judge dismissing the writ petition, this intra court appeal under Clause X of the Letters Patent has been filed by the appellant-petitioner.

2. The appellant-petitioner, who was an Assistant in the subordinate Court, while posted at Faridabad Sessions Division, disciplinary proceedings were initiated against him. Subsequently, he was transferred to Sessions Division, Bhiwani. A representation was made seeking stay of his

transfer on the ground that disciplinary proceedings are pending which was placed before a committee of Hon'ble Judges who after considering the entire matter passed the following resolution:-

“The Committee has considered the grievance of Bhogi Ram, Assistant as contained in his representation dated 24.12.2015. The Committee is of the view that since Bhogi Ram has been transferred to Bhiwani Sessions Division, the inquiry proceedings pending against him at Faridabad Sessions Division be also transferred to the Bhiwani Sessions Division. The District & Sessions Judge, Bhiwani will ensure that the inquiry proceedings are decided expeditiously, preferably within six months.

Bhogi Ram, Assistant may be provided adequate opportunity to defend himself in the pending inquiry proceedings.

In view of the fact that the pending grievances of the representationist have been/are being redressed, his request contained in letter dated 18.10.2016 is declined.”

3. The decision taken by the Committee duly approved by the Chief Justice was communicated to the appellant by the Registrar General vide letter which has been impugned in the writ petition. Learned Single Judge dismissed the writ petition holding that in case his services during the pendency of the disciplinary proceedings were transferred from one District to another in view of the resolution passed by the Committee, the disciplinary proceedings have also been transferred to the said district and there seems to be no infirmity in the same. We are also of the considered view that this matter is not such which may require interference by us. No prejudice would be caused to the appellant-petitioner by transferring the disciplinary proceedings to the district where his services have been transferred.

4. In view of the above, there is no reason or occasion to interfere in the impugned order passed by the learned Single Judge. The appeal accordingly fails and stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

03.12.2018
ravinder

Whether speaking/reasoned	√Yes/No
Whether reportable	Yes/No√